

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FILED

JUN 29 2016

Clerk, U S District Court
District Of Montana
Missoula

JAMEISON BEAM,

CV 15-86-H-DLC-JTJ

Plaintiff,

ORDER

vs.

LARRY PASHA, LT. HARMON,
LEROY KIRKEGARD,

Defendants.

United States Magistrate Judge John T. Johnston entered findings and recommendations in this case on May 11, 2016, recommending that Defendants' motion for summary judgment be granted and Plaintiff Jameison Beam's ("Beam") case be dismissed. Beam did not object to the findings and recommendations, and so waived the right to *de novo* review thereof. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000)

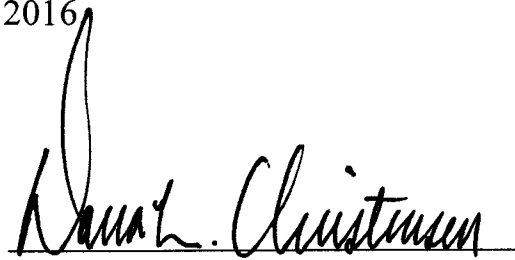
(citations omitted).

Having reviewed the findings and recommendations, the Court finds no clear error in Judge Johnston's conclusion that Beam's case should be dismissed for failing to exhaust administrative remedies available to him through Montana State Prison.

Accordingly, IT IS ORDERED that Judge Johnston's findings and recommendations (Doc. 17) are ADOPTED IN FULL. Defendants' motion for summary judgment (Doc. 11) is GRANTED and this case is DISMISSED. The Clerk of Court shall CLOSE this case and enter judgment in favor of Defendants pursuant to Rule 58 of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Clerk of Court shall have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 29th day of June, 2016



Dana L. Christensen, Chief Judge
United States District Court